



710B 0540
71B Box SE-8
Gw #9

PATENT
Attorney Docket No. 896034605001 9/23/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re. application of : Elizabeth K. Barber
Serial No. : 09/966,264
Filed : September 28, 2001
For : **GENE EXPRESSION CONTROL DNA
ELEMENT AND ASSOCIATED PROTEIN**
Group Art Unit : 1632
Examiner : Unknown

030
030

RESPONSE TO NOTICE TO COMPLY RE. SEQUENCE LISTING

Commissioner for Patents
U.S. Patent and Trademark Office
Box Sequence, P.O. Box 2327
Arlington, VA 22202

Sir:

Applicant has received a Notice to Comply with sequence listing requirements, mailed on September 11, 2002, because the original computer readable form (CRF) copy submitted to the U.S. Patent and Trademark Office, Washington D.C. 20231 on August 15, 2002 was damaged in transit.

After submitting the August 15, 2002 sequence listing, applicant discovered an error in listing the total number of sequences and filed a substitute CRF and paper copy, along with a Preliminary Amendment and formal drawings, on September 12, 2002. These materials were also mailed to the Washington, D.C. 20231 address.

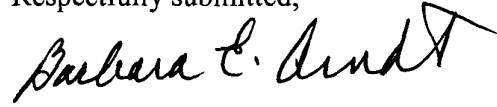
In the expectation that the substitute CRF might also be damaged in transit, applicant here submits a true copy of the substitute CRF and the paper copy previously submitted on September 12, 2002, to the alternate address for submitting sequence listings noted in the above-referenced Notice to Comply.

I hereby certify that this correspondence
is being deposited today with the United
States Postal Service as first class mail in
an envelope addressed to: Commissioner for
Patents, Washington, D.C. 20231 Box 2327
on 9/25/02 Arlington VA 22202

By: Sacrae Chien

The content of the sequence listing information recorded on the substitute CRF is identical to the written paper copy of the sequence listing and includes no new matter.

Respectfully submitted,

A handwritten signature in black ink, reading "Barbara E. Arndt". The signature is written in a cursive style with a large, stylized "A" at the end.

Barbara E. Arndt, Ph.D.
Reg. No. 37,768

Jones, Day, Reavis & Pogue
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-7575